

1 **Rule 29. Oral argument.**

2 (a) **Holding oral argument.**

3 (1) **Supreme Court.** Oral argument will be held in cases before the Supreme  
4 Court unless the court determines that oral argument will not aid the decisional  
5 process.

6 (2) **Court of Appeals.** Oral argument will be allowed in all cases in which the  
7 Court of Appeals determines that oral argument will significantly aid the  
8 decisional process.

9 (3) **Alternative means.** The court may hold oral argument in person, by phone,  
10 or by videoconference.

11 (b) **Notice; waiver; cancellation; continuance.**

12 (1) **Supreme Court.** Not later than 28 days before the date on which a case is  
13 calendared, the clerk will give notice of the time and place of oral argument, and  
14 the time to be allowed each side. If all parties to a case believe oral argument will  
15 not benefit the court, they may file a joint motion to cancel oral argument not  
16 later than 14 days from the date of the clerk's notice. The court will grant the  
17 motion only if it determines that oral argument will not aid the decisional  
18 process. A motion to continue oral argument must be supported by (1) a  
19 stipulation of all parties or a statement that the movant was unable to obtain  
20 such a stipulation, and (2) an affidavit of counsel specifying the grounds for the  
21 motion. A motion to continue filed not later than 14 days from the date of the  
22 clerk's notice may be granted on a showing of good cause. A motion to continue  
23 filed thereafter will be granted only on a showing of exceptional circumstances.

24 (2) **Court of Appeals.** Not later than 28 days before the date on which a case is  
25 calendared, the clerk shall give notice to all parties that oral argument is to be  
26 permitted, the time and place of oral argument, and the time to be allowed each  
27 side. Any party may waive oral argument by filing a written waiver with the

28 clerk not later than 14 days from the date of the clerk's notice. If one party waives  
29 oral argument and any other party does not, the party waiving oral argument  
30 may nevertheless present oral argument. A request to continue oral argument or  
31 for additional argument time must be made by motion. A motion to continue  
32 oral argument must be supported by (1) a stipulation of all parties or a statement  
33 that the movant was unable to obtain such a stipulation, and (2) an affidavit of  
34 counsel specifying the grounds for the motion. A motion to continue filed not  
35 later than ~~15~~<sup>4</sup> days from the date of the clerk's notice may be granted on a  
36 showing of good cause. A motion to continue filed thereafter will be granted  
37 only on a showing of exceptional circumstances.

38 (c) **Argument order.** The appellant argues first and the appellee responds. The  
39 appellant may reply to the appellee's argument if appellant reserved part of appellant's  
40 time for this purpose. Such argument in reply is limited to responding to points made  
41 by appellee in appellee's oral argument and answering any questions from the court.

42 (d) **Cross and separate appeals.** A cross or separate appeal is argued with the initial  
43 appeal at a single argument, unless the court otherwise directs. If a case involves a  
44 separate appeal, the plaintiff in the action below is deemed the appellant for the  
45 purpose of this rule unless the parties otherwise agree or the court otherwise directs. If  
46 separate appellants support the same argument, care must be taken to avoid duplicative  
47 arguments. Unless otherwise agreed by the parties, in cases involving a cross-appeal the  
48 appellant, as determined pursuant to Rule 24A, opens the argument and presents only  
49 the issues raised in the appellant's opening brief. The cross-appellant then presents an  
50 argument that answers the appellant's issues and addresses original issues raised by the  
51 cross-appeal. The appellant then presents an argument that replies to the cross-  
52 appellant's answer to the appellant's issues and answers the issues raised on the cross-  
53 appeal. The cross-appellant may then present an argument that is confined to a reply to  
54 the appellant's answer to the issues raised by the cross-appeal. The court will grant  
55 reasonable requests, for good cause shown, for extended argument time.

56 (e) **Nonappearance of parties.** If the appellee fails to appear to present argument, the  
57 court will hear argument on behalf of the appellant, if present. If the appellant fails to  
58 appear, the court may hear argument on behalf of the appellee, if present. If neither  
59 party appears, the case may be decided on the briefs, or the court may direct that the  
60 case be rescheduled for argument.

61 (f) **Submission on the briefs.** By agreement of the parties, a case may be submitted for  
62 decision on the briefs, but the court may direct that the case be argued.

63 (g) **Use of physical exhibits at argument; removal.** If physical exhibits other than  
64 documents are to be used at the argument, counsel must arrange to have them placed in  
65 the courtroom before the court convenes on the date of the argument. After the  
66 argument, counsel must remove the exhibits from the courtroom unless the court  
67 otherwise directs. If exhibits are not reclaimed by counsel within a reasonable time after  
68 notice is given by the clerk, they will be destroyed or otherwise disposed of.

69 | *Effective ~~July 8~~ September 23, 2020*